

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1 - 16 are presently pending.

Applicant cancels claims 3 and 11 - 15 without prejudice or disclaimer, and amends claim 1 essentially to include the limitations of claim 3 and amend claim 16. No new matter is introduced. Support for the amendments may be found, for example, in Applicant's specification at page 4, line 7 through page 7, line 4, and at page 13, line 17 through page 14, line 5.

II. Rejections under 35 U.S.C. § 103(a)

Claims 1 - 7 and 10 - 16 rejected are under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,457,681 to Wolf et al. ("Wolf") in view of U.S. Patent No. 6,247,994 to DeAngelis et al. ("DeAngelis). Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wolf in view of DeAngelis and U.S. Patent No. 6,109,186 to Smith et al. ("Smith"). As claims 3 and 11 - 15 are canceled, the rejection of claims 3 and 11 - 15 is moot. Applicant amends claim 1 to further clarify the nature of his invention, and respectfully traverses the rejection of claims 1, 2, 4 - 10 and 16 under 35 U.S.C. § 103(a).

In amended independent claim 1, Applicant claims:

1. A remote control toy system comprising:

a plurality of sets, each set including a controller and a model controlled based on data transmitted from the controller, the transmitted data corresponding to an

operation of the controller; and

an accessory device, provided separately from the controllers and the models, for conducting data communication with the controllers and the models,

wherein each of the controllers, the models, and the accessory device separately comprises:

a radio communication module for executing the data communication and for conducting bilateral data communication; and

a control device for implementing various controls based on data communication conducted through the radio communication module, wherein:

the accessory device comprises an information input section for accepting a user's information input, and

the control device of the accessory device comprises:

a device for executing a predetermined procedure based on information input from the information input section; and

a device for generating data corresponding to a result of the procedure and sending the data through the radio communication module.

(Emphasis added).

Wolf discloses a control and operating system for model trains (see, e.g., abstract of Wolf), and DeAngelis discloses a system for controlling a plurality of toy vehicles (see, e.g., abstract of DeAngelis). Applicant submits that Wolf's accessories 18', AIU 18 and TIU 12 most nearly corresponds to Applicant's accessory device, that DeAngelis' central station 64 most nearly corresponds to Applicant's claimed accessory device, and that Smith's intermediate control device 8. However, and in sharp contrast to Applicant's claimed system, Applicant submits that none of these references teach or suggest an accessory device having an information input section as claimed in amended independent claim 1.

Specifically, each of Wolf, Smith and DeAngelis fails to teach or otherwise suggest an accessory device having an information input section that is capable of obtaining information directly from a user (“player”), and then executing a predetermined procedure based on the obtained information and generating data corresponding to a result of the procedure. For example, while Wolf teaches that the TIU 12 may receive user commands via a computer (see, e.g., Col. 8: 11 - 23 of Wolf), the computer simply functions as controller and provides no means by which a user’s information input may be accepted at the accessory device. While Smith discloses that the intermediate control device 8 is capable of receiving information from a model (car) for controlling model speed (see, e.g., Col. 2: 26 - 35 of Smith), the information received is simply derived from data produced by the model and the intermediate control device 8 therefore is limited to performing only predetermined procedures according to data known to be obtainable from the model.

In sharp contrast, Applicant's claimed accessory device enables information to be obtained directly from a user, in addition to obtaining data from controllers and models in the system. In this manner, additional features of a game can be implemented that would be awkward to implement using only the control available through the controllers (see. e.g., page 6, line 14 through page 8, line 24 of Applicant's specification). For example, in the case where model cars are running a race, a starter (player) controlling the race from a starter's accessory device can control the start of the race and restrict the velocity of the cars ("yellow flag") when a fault or other problem has occurred during the race.

For at least the above-presented arguments, Applicant submits that amended independent claim 1 is not made obvious by any combination of the cited references, and stands in condition for

allowance. Applicant reapplies these same arguments with reference to amended independent claim 16, which includes the same features distinguishing the accessory device of Applicant's amended independent claim 1 over the cited references, and submits thereby that claim 16 is allowable. As claims 2 and 4 - 10 each depend from allowable independent claim 1, Applicant further submits that dependent claims 2 and 4 - 10 are also allowable for at least this reason.

Accordingly, Applicant therefore requests that the rejection of claims 1, 2, 4 - 10 and 16 under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: November 6, 2007

Respectfully submitted,

By 

Thomas J. Bean

Registration No.: 44,528
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant